

is, Claims 1-27) were pending at the time of the examiner's review and issuance of the Office Action. All of those claims were rejected in the Office Action papers.

In the Office Action, the examiner rejected Claims 1-7, 10, 14-18, 21 and 22-27 under 35 U.S.C. § 102(b). It was the examiner's position that those twenty claims were fully anticipated by the teachings of United States Patent No. 1,575,263 (Guglielmi).

Claims 8-9, 11-13 and 19-20 were rejected under 35 U.S.C. § 103(a). It was the examiner's position that those seven claims were obvious, given the teachings of Guglielmi, in view of the teachings of United States Patent No. 4,739,529 (Mills).

Applicants hereby cancel Claims 1-22 and 27 without prejudice. Claims 23-26 are amended, and new independent Claim 28 is added to the case.

In view of the action taken by this AMENDMENT, Claim 28 is the only independent claim presently in the case. Claim 28 defines a method of creating a character effigy. The method includes a first step of providing an item which is flexible and substantially fully planar. A second step includes defining a character feature at a location on the planar item representative of only head characteristics of the character effigy. Finally, Claim 28 defines a step of manipulating the flexible and substantially fully planar item between two configurations. The first is a generally planar

configuration in which the item serves a practical function. The second configuration is a non-planar configuration into which the item is manipulated so as to simulate the body of the character effigy with the character feature positioned appropriately with respect to the body formed by the item to simulate the character's head. It is submitted that none of the prior art of record, and, particularly, the references applied by the examiner, either, individually, anticipate or, in combination with other references, render obvious this claim.

Claim 28 defines a character effigy wherein a planar structure can be manipulated, such as by folding or rolling, to define an effigy body. The Guglielmi reference clearly does not meet such a limitation. In fact, while there appears to be a planar component, the doll body of that reference is "built out", as is a hood surrounding the doll's face. At column 1, beginning at line 45, the Guglielmi specification defines a doll section which "is provided with a face 3 which is secured to the body by means of a row of stitching 4, and the face is preferably **built out** or raised from the body by means of a backing or filling between the body and face to give the face a more realistic effect than if arranged flat on the body." In essence, Guglielmi teaches a three-dimensional doll body, including the doll's head, which is pre-stuffed. The planar portion is not manipulated to form a body; rather, the

planar portion is an appendage to the pre-stuffed doll body.

The Mills reference discloses a sleeping bag having an image of a doll attached to the upper surface of the sleeping bag. Multiple appendages are provided to simulate arms, legs, etc. of a doll. Claim 28 of the present application defines a method which does not require any appendages.

In view of the amendments made by this paper and these arguments offered in support of patentability of Claim 28, it is sincerely believed that Claim 28 patentably distinguishes the present invention over the prior art. It is submitted then that Claim 28 is patentably distinct and should be allowed.

Claim 23 has been amended to be dependent up on Claim 28, and Claims 24-26 are dependent upon Claim 23. Claims 23-26 add additional limitations to the method defined by Claim 28. In doing so, Claims 23-26 are patentable on the same basis as is Claim 28.

It is sincerely believed that this application is now in condition for allowance. The taking of such action and the issuance of formal allowance papers are, therefore, earnestly solicited.

Incorporated herein is APPENDIX A including the amended claims as they read after amendment. Please find enclosed herewith APPENDIX A reflecting the amended claims using bracketing and underlining format.

Please charge any deficiencies or credit any over payment to  
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Respectfully submitted,

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By their attorney

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APPENDIX A

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Cancelled.)
2. (Cancelled.)
3. (Cancelled.)
4. (Cancelled.)
5. (Cancelled.)
6. (Cancelled.)
7. (Cancelled.)
8. (Cancelled.)
9. (Cancelled.)
10. (Cancelled.)
11. (Cancelled.)
12. (Cancelled.)
13. (Cancelled.)
14. (Cancelled.)
15. (Cancelled.)
16. (Cancelled.)
17. (Cancelled.)
18. (Cancelled.)
19. (Cancelled.)
20. (Cancelled.)

21. (Cancelled.)

22. (Cancelled.)

23. (Twice Amended) [A] The method of creating a [combination] character effigy [from a flexible planar item, the steps comprising] according to Claim 28, wherein said step of providing an item which is flexible and substantially fully planar includes:

providing [a flexible planar] an item having first and second surfaces[, ] and at least first, second[, ] and third edges, and [at least one] wherein said character feature [placed] is defined on said first surface[; and

manipulating said flexible planar item to form a character body having said character feature oriented upon the exterior of said character body, at least a portion of said exterior of said character body form from said planar item].

24. (Amended) The method of creating a character effigy according to Claim 23, wherein the step of manipulating is [provided] accomplished by folding said [planar] item to [form a character] simulate the body of the character effigy.

25. (Amended) The method of creating a character effigy according to Claim 23, wherein the step of manipulating is [provided]

accomplished by rolling said [planar] item to [form a character]  
simulate the body of the character effigy.

26. (Amended) The method of creating a character effigy according to Claim 23, wherein the step of manipulating is [provided] accomplished by folding and rolling said [planar] item to [form a character] simulate the body of the character effigy.

27. (Cancelled.)

28. (Newly presented) A method of creating a character effigy, comprising the steps of:

providing an item which is flexible and substantially fully planar;

defining a character feature at a location on the item representative of only head characteristics; and

manipulating the flexible and substantially fully planar item between a generally planar configuration and a non-planar configuration, wherein, when the item is in the generally planar configuration, it serves a practical function, and, when it is in the non-planar configuration, it simulates the body of the character effigy with the character feature positioned appropriately with respect to the body formed by the item to simulate the character's head.